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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,806	08/23/2001	Dellas G. Frederiksen	10005155-1	9598

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

LIEN, TAN

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,806

Applicant(s)

FREDERIKSEN, DELLAS G.

Examiner

Tan Lien

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

Claim 8 is objected to because of the following informalities:

As to claim 8, it does not have a clear claim preamble that describes the invention and a claim body that carries patentable weight.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tominaga (US PG Pub 2002/0015180) in view of Ferlitsch et al (US PG Pub 2002/0089687).

Claim(s) 1, 12: Tominaga teaches a compute cycle brokering apparatus comprising:

- a) a network (FIG. 1A and FIG. 1B);
 - b) a plurality of machines connected to said network wherein some machines are idle and some machines are busy (paragraph [0191]); and
 - c) a process power broker (FIG. 1A, ref. 102; wherein the process power broker is the document server) connected to said network for locating available process power on idle machines (paragraph [0191]; wherein the idle printers are found by the system)
- but fails to teach directing pending jobs from busy machines to said idle machines for processing.

Ferlitsch, in an analogous art, teaches after a wait period the SDPP checks for the print status, and direct and distributing print tasks to any available devices (paragraph [0049]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Tominaga's image forming system with Ferlitsch's print task distribution units to direct active and pending tasks to available devices. One of ordinary skill in the art at the time would recognized the advantage that using Ferlitsch's distribution of print tasks to a plurality of printing devices without the use of additional hardware or server software for this purpose would produce economical results (paragraph [0011] Ferlitsch).

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Claim(s) 8, 18, 19: Tominaga teaches, in a network of a plurality of MFPS wherein some MFPS are busy and some MFPS are idle (paragraph [0191]), a compute cycle brokering apparatus comprising

a process power broker (FIG. 1A, ref. 102; wherein the process power broker is the document server) that identifies idle MFPS and further comprises a job director for directing job output back to the busy MFP for output (paragraph [0184] Tominaga; wherein the output device control direct the page output to the corresponding MFP), but fails to teach directing pending jobs from busy machines to said idle machines for processing.

Ferlitsch, in an analogous art, teaches after a wait period the SDPP checks for the print status, and direct and distributing print tasks to any available devices (paragraph [0049]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Tominaga's image forming system with Ferlitsch's print task distribution units to direct active and pending tasks to available devices. One of ordinary skill in the art at the time would recognized the advantage that using Ferlitsch's distribution of print tasks to a plurality of printing devices without the use of additional hardware or server software for this purpose would produce economical results (paragraph [0011] Ferlitsch).

Claim(s) 2, 13: Tominaga and Ferlitsch teach the apparatus of claim 1, 12, wherein

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the process power broker includes a job director for directing job output back to the busy machine for output (paragraph [0184] Tominaga; wherein the output device control direct the page output to the corresponding MFP).

Claim(s) 3, 9, 14, 20: Tominaga and Ferlitsch teach the apparatus of claim 1, 8, 12, 18, wherein

the process power broker includes a job director for directing job output to the first available machine for output (paragraph [0184] Tominaga; wherein the output device control direct the page output to the corresponding available MFP).

Claim(s) 4: Tominaga and Ferlitsch teach the apparatus of claim 1, wherein the machines are MFPs (FIG. 18, ref. 1810).

Claim(s) 5, 11, 15: Tominaga and Ferlitsch teach the apparatus of claim 1, 8, 12, wherein

the machines are printers (FIG. 23, ref. 2303).

Claim(s) 6, 16: Tominaga and Ferlitsch teach the apparatus of claim 1, 12, wherein the network comprises an intranet (paragraph [0047]; wherein the private network is the intranet. The intranet is well known in the art).

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Claim(s) 7, 10, 17: Tominaga and Ferlitsch teach the apparatus of claim 1, 8, 12, wherein

the network comprises an Internet (paragraph [0047]; wherein the public network is the Internet. The Internet is well known in the art).

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Lien whose telephone number is (571) 272-3883. The examiner can normally be reached on Monday-Thursday from 8:30am to 6pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for this Group is (703) 305-3718.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [tan.lien@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record

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includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER